

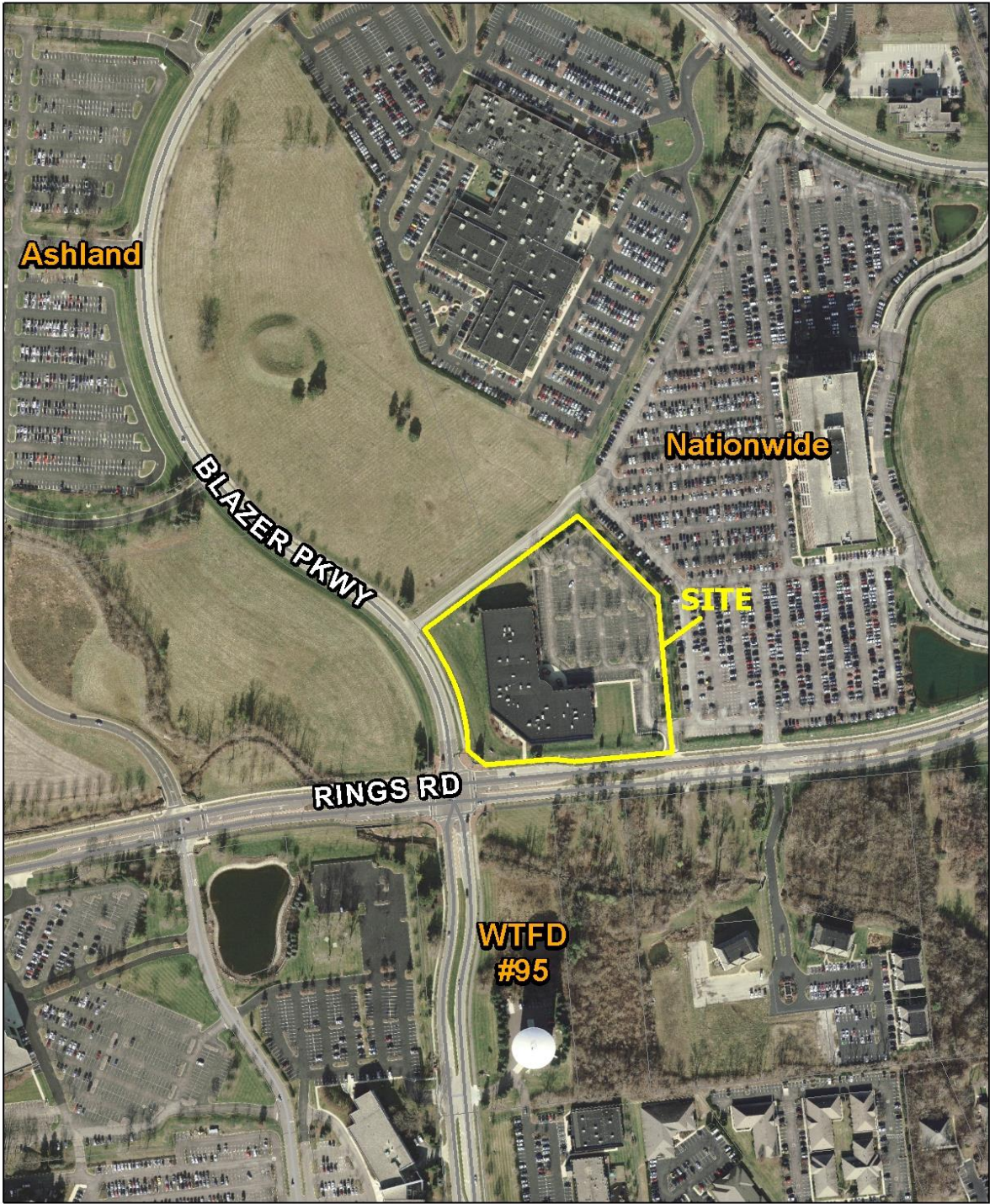
Planning Report

Thursday, August 27, 2015

PCCW Teleservices – 5200 Rings Road

Case Summary

Agenda Number	1
Case Number	15-072V
Location	5200 Rings Road North side of Rings Road at the intersection with Blazer Parkway.
Proposal	To construct a generator and masonry wall within the building setback.
Request	Non-use (area) variance to Section 153.072(B) to permit a generator and masonry wall that is located 17 feet within the building setback. Requires review and approval by the Board of Zoning Appeals based on the review criteria of Zoning Code Section 153.231.
Applicants	Scott Lee, PCCW Teleservices.
Planners	Tammy Noble, Senior Planner and Logan Stang, Planning Assistant.
Planning Contact	(614) 410-4649 or tnoble@dublin.oh.us (614) 410-4652 or lstang@dublin.oh.us
Planning Recommendation	Approval Based on Planning's analysis, the request meets the review criteria for a non-use (area) variance and approval is recommended.



City of Dublin

15-072V
Setback - Non-Use Variance
PCCW Teleservices
5200 Rings Road

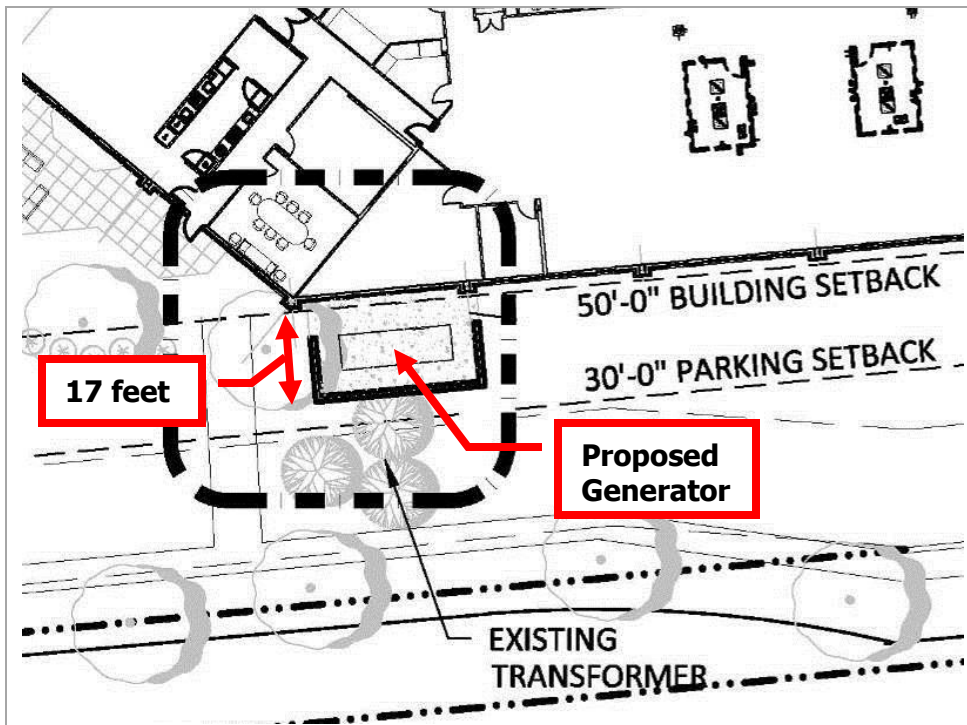
0 200 400
Feet



Facts

Site Description	<p>This 5.73 acre site is on the northeast corner at the intersection of Rings Road and Blazer Parkway. The site is uniquely shaped due to the two roadways on the west and south and an access drive for 5151 Blazer Parkway on the north. The site is fully developed with an existing office building and associated parking. The site has minimal vegetation except for a tree line along the east property line and landscaping throughout the parking area.</p>
Zoning	<p>SO, Suburban Office & Institutional</p>
Surrounding Zoning and Uses	<p>To the north, east and west is zoned OLR, Office, Laboratory, and Research District and contains large office buildings. To the south is zoned R-1, Restricted Suburban Residential District with the Washington Township Fire Department and SO, Suburban Office and Institutional with a small office park.</p>
Proposal	<p>The applicant is proposing to install a generator on the south side of the property that will encroach 17 feet into the 50 foot required setback.</p> <p>Section 153.133(C)(1) requires the screening of service structures to be at least one foot higher than the enclosed structure, but is not required to exceed 12 feet in height. The proposed generator will be screened by a 12-foot high masonry enclosure, adjacent to Rings Road. The generator will sit in between the building and a transformer on the south side that is currently screened by mature vegetation. Given the size of the proposed generator, the 12 foot enclosure meets this requirement and will provide a continuous 100% opacity.</p> <p>The applicant is proposing to locate the generator in the most efficient location of the site which is to the south side of the building. The proposed location places the generator near an existing transformer and the electrical service room within this portion of the building. Since the building footprint is located at the 50 foot setback, the applicant is requesting to permit the generator and enclosure to encroach 17 feet into the building setback.</p>

Facts



Details

Building Setback

Process

Zoning Code Section 153.231(C)(3) allows the Board of Zoning Appeals to approve requests for non-use (area) variances only in cases where the Board finds there is evidence of a practical difficulty present on the property, limiting conformance to the strict requirements of the Zoning Code. The Board shall make a finding that the required review standards have been appropriately satisfied (refer to the last page of this report for the full wording of the review standards).

Variance Request

Section 153.072(B) of the City of Dublin Zoning Code requires that a building line shall be established from the centerline of the right-of-way equal to the width of the existing right-of-way or the width of the right-of-way proposed in the most recent adoption of the Thoroughfare Plan. The Thoroughfare Plan indicates a right-of-way width of 100 feet for a required building setback line of 50 feet.

The applicant is requesting to place a generator and construct a masonry wall on the south side of the property, encroaching 17 feet into the 50 foot building line. The location for the generator was chosen because of an existing transformer along Rings Road that is adjacent to the electrical service room for the building. This transformer is screened by mature evergreen trees as well as mounding along Rings Road.

Analysis	Building Setback
<i>ALL THREE OF THE FOLLOWING STANDARDS MUST BE MET</i>	
(1) <i>Special Conditions</i>	Standard Met. The site has several conditions that are unique. The site is fully developed and has limited open space for potential development. There are underground utilities along the south of the building limit the ability to complete by excavation and boring work that would be required to extend electric service to the west of the building. The site also has a dry detention basin on the north of the building that prohibits construction is this portion of the site.
(2) <i>Applicant Action/Inaction</i>	Standard Met. The conditions of the site were created prior to the applicants owning the property and therefore are not related to action, or inaction, by the applicants. The site was developed to the maximum buildable area at the time of the original proposal.
(3) <i>No Substantial Adverse Effect</i>	Standard Met. The proposed enclosure will match the existing building material, texture, and color and will be placed behind existing mature vegetation to aid with screening the enclosure. The generator will not be visible from Rings Road, Blazer Parkway, or from the adjacent properties.
<i>AT LEAST TWO OF THE FOLLOWING FOUR STANDARDS MUST BE MET</i>	
(1) <i>Special Privileges</i> (2) <i>Recurrent in Nature</i> (3) <i>Delivery of Governmental Services</i> (4) <i>Other Method Available</i>	<p>The following standards have been reviewed with the finding that three standards have been met.</p> <p>Standard Met. The site is almost entirely developed leaving minimal space for expansions. The applicant has considered all other options for the construction and determined that the proposed area is one, if not only, area for construction. If these conditions existed on other sites, the same considerations would be present. Therefore, granting approval of the variance request would not provide a special privilege to the applicant.</p> <p>Standard Met. This request is unique to this application and the general condition is present on a substantial number of properties.</p> <p>Standard Met. The request will not affect the delivery of governmental services.</p> <p>Standard Not Met. While buildable area is limited, the applicant could construct the enclosure on the southeast corner where the future parking expansion is proposed. The generator would take a small portion of the undeveloped area still allowing for a parking expansion. In response, the</p>

Analysis	Building Setback
	<p>applicant has stated that they need as many parking spaces as possible based on the call center use of the site. To place the generator to the west of the building would require excavation and boring work along both roadways (Rings and Blazer Parkway) which would be difficult based on existing underground utilities along Rings Road. If placed west of the building, the applicant would need to relocate a dry detention basin, however, no reasonable location exists because of the limited space and grading of the site.</p>

Recommendation	Approval
Approval	<p>Based on Planning's analysis the requested variance meets the required non-use (area) variance standards, therefore approval of the variance is recommended.</p>

NON-USE (AREA) VARIANCES

Section 153.231(H)(1) Variance Procedures

On a particular property, extraordinary circumstances may exist making a strict enforcement of the applicable development requirements of this Code unreasonable and, therefore, the variance procedure is provided to allow the flexibility necessary to adapt to changed or unusual conditions that meet the standards of review for variances. In granting any variance, the Board of Zoning Appeals shall prescribe appropriate conditions and safeguards to maintain the intent and spirit of the zoning district in conformity with the Zoning Code.

Non-Use (Area) Variances. Upon application, the Board of Zoning Appeals shall only approve a request for a non-use variance only in cases where there is evidence of practical difficulty present on the property in the official record of the hearing, and that the findings required in (a) and (b) have been satisfied with respect to the required standards of review (refer to the last page of this Report for the full wording of the review standards):

(a) That all of the following three findings are made:

- (1) That special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district whereby the literal enforcement of the requirements of this Chapter would involve practical difficulties. Special conditions or circumstances may include: exceptional narrowness, shallowness or shape of a specific property on the effective date of this Chapter or amendment; or by reason of exceptional topographic or environmental conditions or other extraordinary situation on the land, building or structure; or by reason of the use or development of the property immediately adjoining the property in question.*
- (2) That the variance is not necessitated because of any action or inaction of the applicant.*
- (3) Granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied or of this Chapter.*

(b) That at least two of the following four findings are made:

- (1) That a literal interpretation of the provisions of the Zoning Code would not confer on the applicant any special privilege or deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this Chapter.*
- (2) The variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.*
- (3) The variance would not adversely affect the delivery of governmental services (e.g., water, sewer, garbage).*
- (4) The practical difficulty could be eliminated by some other method, even if the solution is less convenient or most costly to achieve.*